

SENATE JOURNAL

Forty-seventh Legislature—Regular Session

PROCEEDINGS

FIRST DAY

IN ACCORDANCE with the Constitution and Laws of the State of Texas, the Senate of the Forty-seventh Legislature met in the Senate Chamber of the State Capitol at the City of Austin on the fourteenth day of January, 1941.

Hon. Coke R. Stevenson, Lieutenant Governor of Texas and President of the Senate, called the Senate to order at 12:00 o'clock, meridian.

Temporary Officers

The President announced the appointment of the following temporary officers:

Secretary of the Senate, Bob Barker

Sergeant-at-Arms, A. W. Holt

Journal Clerk, Noel K. Brown

Doorkeeper, Joel Gunn

Calendar Clerk, Mrs. Martha Turner.

Roll Call of Senators

The President directed the Secretary of the Senate to call the roll of Senators who were members of the Forty-sixth Legislature and whose terms of office continue for the duration of the Forty-seventh Legislature.

The roll was called, and the following Senators answered to their names:

Hon. Joe L. Hill, representing the Second Senatorial District, composed of Gregg, Harrison, Panola, Rusk and Shelby Counties.

Hon. Allan Shivers, representing the Fourth Senatorial District, composed of Hardin, Jefferson, Liberty and Orange Counties.

Hon. Clay Cotten, representing the Sixth Senatorial District, composed of Anderson, Freestone, Henderson, Kaufman and Navarro Counties.

Hon. Olan R. Van Zandt, representing the Ninth Senatorial District,

composed of Cooke, Fannin and Grayson Counties.

Hon. Claude Isbell, representing the Tenth Senatorial District, composed of Collin, Hunt, Rains and Rockwall Counties.

Hon. W. C. Graves, representing the Eleventh Senatorial District, composed of Dallas County.

Hon. L. J. Sulak, representing the Fifteenth Senatorial District, composed of Austin, Colorado, Fayette, Lavaca and Waller Counties.

Hon. Weaver Moore, representing the Sixteenth Senatorial District, composed of Harris County.

Hon. William E. Stone, representing the Seventeenth Senatorial District, composed of Brazoria, Chambers, Fort Bend, Galveston, Matagorda and Wharton Counties.

Hon. R. A. Weinert, representing the Nineteenth Senatorial District, composed of Blanco, Caldwell, Comal, Gonzales, Guadalupe and Hays Counties.

Hon. R. C. Lanning, representing the Twenty-second Senatorial District, composed of Denton, Jack, Montague, Palo Pinto, Parker and Wise Counties.

Hon. George Moffett, representing the Twenty-third Senatorial District, composed of Archer, Baylor, Clay, Foard, Hardeman, Knox, Wichita, Wilbarger and Young Counties.

Hon. Penrose B. Metcalfe, representing the Twenty-fifth Senatorial District, composed of Brown, Coke, Coleman, Comanche, Concho, Gillespie, Irion, Kimble, Mason, McCulloch, Menard, Mills, Runnels, Schleicher, Sterling and Tom Green Counties.

Hon. Rogers Kelley, representing the Twenty-seventh Senatorial District, composed of Brooks, Cameron, Dimmit, Duval, Frio, Hidalgo, Jim Hogg, Jim Wells, Kenedy, Kleberg, LaSalle, McMullen, Nueces, Starr,

Webb, Willacy, Zapata and Zavala Counties.

Hon. Jesse E. Martin, representing the Twenty-eighth Senatorial District, composed of Tarrant County.

Roll Call of Senators-elect

The President directed the Secretary of the Senate to call the roll of Senators-elect.

The roll was called, and the following Senators-elect answered to their names:

Hon. E. Harold Beck, representing the First Senatorial District, composed of Bowie, Cass, Marion, Morris and Titus Counties.

Hon. Ben Ramsey, representing the Third Senatorial District, composed of Angelina, Cherokee, Jasper, Nacogdoches, Newton, Sabine, San Augustine and Tyler Counties.

Hon. Clem Fain, representing the Fifth Senatorial District, composed of Grimes, Houston, Leon, Madison, Montgomery, Polk, San Jacinto, Trinity and Walker Counties.

Hon. T. C. Chadick, representing the Seventh Senatorial District, composed of Camp, Smith, Upshur, Van Zandt and Wood Counties.

Hon. A. M. Aikin, Jr., representing the Eighth Senatorial District, composed of Delta, Franklin, Hopkins, Lamar and Red River Counties.

Hon. Vernon Lemens, representing the Twelfth Senatorial District, composed of Ellis, Hill, Hood, Johnson and Somervell Counties.

Hon. Kyle Vick, representing the Thirteenth Senatorial District, composed of McLennan, Falls, Limestone and Milam Counties.

Hon. J. Alton York, representing the Fourteenth Senatorial District, composed of Bastrop, Brazos, Burleson, Lee, Robertson and Washington Counties.

Hon. Fred Mauritz, representing the Eighteenth Senatorial District, composed of Aransas, Atascosa, Bee, Calhoun, DeWitt, Goliad, Karnes, Jackson, Live Oak, Refugio, San Patricio, Victoria and Wilson Counties.

Hon. Houghton Brownlee, representing the Twentieth Senatorial District, composed of Burnet, Lampasas, Llano, San Saba, Travis and Williamson Counties.

Hon. Karl L. Lovelady, representing the Twenty-first Senatorial Dis-

trict, composed of Bell, Bosque, Coryell, Erath and Hamilton Counties.

Hon. John Lee Smith, representing the Twenty-fourth Senatorial District, composed of Callahan, Eastland, Fisher, Haskell, Jones, Mitchell, Nolan, Scurry, Shackelford, Stephens, Taylor, and Throckmorton Counties.

Hon. J. Franklin Spears, representing the Twenty-sixth Senatorial District, composed of Bandera, Bexar, Kendall and Kerr Counties.

Hon. H. L. Winfield, representing the Twenty-ninth Senatorial District, composed of Brewster, Crane, Crockett, Culberson, Ector, Edwards, El Paso, Glasscock, Hudspeth, Jeff Davis, Kinney, Loving, Maverick, Medina, Midland, Pecos, Presidio, Reagan, Real, Reeves, Sutton, Terrell, Upton, Uvalde, Val Verde, Ward and Winkler Counties.

Hon. Marshall Formby, representing the Thirteenth Senatorial District, composed of Andrews, Bailey, Borden, Cochran, Cottle, Crosby, Dickens, Dawson, Floyd, Gaines, Garza, Hale, Hockley, Howard, Kent, King, Lamb, Lubbock, Lynn, Martin, Motley, Stonewall, Terry and Yoakum Counties.

Hon. Grady Hazlewood, representing the Thirty-first Senatorial District, composed of Armstrong, Briscoe, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hall, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher and Wheeler Counties.

Administration of Oath to Senators-elect

The President requested the sixteen Senators-elect to rise at their desks and take the constitutional oath of office.

The oath then was administered to them by the President.

Quorum Present

The President announced a quorum of the Senate present.

Invocation

On invitation of the President, the Rev. Kenneth Pope, Minister of the First Methodist Church of Austin, delivered the invocation.

Certificates of Election

The President announced that the Secretary of the Senate had received from the Secretary of State certificates of election for the sixteen Senators who took the oath of office today.

Election of President Pro Tempore

The President announced the election of President of the Senate pro tempore as the next business in order.

Hon. A. M. Aikin, Jr. of Lamar County nominated Hon. R. A. Weinert of Guadalupe County to be President of the Senate pro tempore.

Hon. Olan R. Van Zandt of Grayson County nominated Hon. Clay Cotten of Anderson County.

Hon. T. C. Chadick of Wood County seconded the nomination of Hon. Clay Cotten.

Hon. John Lee Smith of Throckmorton County seconded the nomination of Hon. R. A. Weinert.

Hon. Joe L. Hill of Rusk County seconded the nomination of Hon. Clay Cotten.

Hon. H. L. Winfield of Pecos County seconded the nomination of Hon. R. A. Weinert.

Hon. Weaver Moore of Harris County seconded the nomination of Hon. R. A. Weinert.

Hon. Vernon Lemens of Ellis County seconded the nomination of Hon. Clay Cotten.

Hon. Allan Shivers of Jefferson County seconded the nomination of Hon. R. A. Weinert.

Hon. L. J. Sulak of Fayette County seconded the nomination of Hon. Clay Cotten.

The President appointed Senators Shivers and Lemens as a committee to take up and count the ballots.

The ballots were taken up and counted, and the result announced as follows:

Hon. Clay Cotten received 18 votes.

Hon. R. A. Weinert received 13 votes.

The President declared Hon. Clay Cotten duly elected President of the Senate pro tempore and appointed Senators Chadick and Van Zandt to escort him to the President's

The President then administered the constitutional oath to Hon. Clay Cotten and presented him to the Senate.

President Pro Tempore Cotten addressed the Senate briefly, thanking the Senators for the honor conferred upon him.

Caucus Report

Senator Beck announced that the report of the caucus as agreed to by the membership of the Senate was still in process of preparation.

Senator Hill moved that the report as agreed to in caucus be now adopted as a resolution of the Senate.

The motion prevailed.

The text of the completed report is as follows:

Senate Chamber,
Austin, Texas,
January 14, 1941

Hon. Coke Stevenson, Lieutenant Governor, President of the Senate, Austin, Texas.

Sir: At a caucus held in the office of the Senate attended by 31 members of the Senate, the following recommendations were made, to-wit: The following officers were elected to serve for the ensuing Regular Session of the Forty-seventh Legislature, and at the salaries set opposite their names:

Secretary of the Senate, Bob Barker	\$10.00
Assistant Secretary, Bessie L. Pierce	5.00
Sergeant-at-Arms, A. W. Holt	7.50
Assistant Sergeant-at-Arms, J. R. Russell	6.00
Doorkeeper, Joel Gunn	5.00
Assistant Doorkeeper, White Walker	5.00
Chaplain, S. B. Culpepper	5.00
Journal Clerk, Noel K. Brown	7.50
Assistant Journal Clerk	5.00
Calendar Clerk, Martha Turner	7.50
Assistant Calendar Clerk, Olivia Smith	7.50
Engrossing and Enrolling Clerk, Essie McGinnis	7.50
Assistant Engrossing and Enrolling Clerk, Geneva Pillow	6.00
Postmistress, Lola Lawrence	6.00
Mailing Clerk, Ann Polglass	6.00
Librarian, Theodosia Bell	5.00
Warrant Clerk, Helen Avery	
Phinney	5.00
amentarian, James Taylor	7.50

It is recommended that each Senator, the Lieutenant Governor and the Secretary of the Senate be permitted to name one secretary, who shall act as clerk of the committee of which the Senator naming such employee is chairman, such employees to receive \$5.00 per day, except the private secretary of the Lieutenant Governor who shall receive \$7.50 per day.

It is further recommended that each Senator, the Lieutenant Governor and the Secretary of the Senate be permitted to name two employees of the Senate in addition to their private secretary, that the names of such employees be referred to an assignment committee hereinafter named, said committee be authorized to select from said employees all employees in the Engrossing and Enrolling Room and other departments of the Senate, said employees so named by the Senators, the Lieutenant Governor and the Secretary of the Senate to receive \$5.00 per day.

It is further recommended that the Chairman of the Caucus be authorized to name a committee of five, which shall include the Lieutenant Governor, and such committee shall be designated as an assignment committee for the purpose of assigning employees as herein authorized and that the committee be authorized to select sufficient additional employees at \$5.00 per day to be assigned by it when and where needed.

It is further recommended that the Sergeant-at-Arms be allowed pay for each day of service from the date he ceased to draw compensation from his other employment, and extra employees and the porters who were selected to prepare the Senate Chamber in advance of the meeting be allowed pay for their services, the per diem allowed each of the employees mentioned in this section to be the same as herein fixed.

It is further recommended that the several appointments of employees heretofore made by the Lieutenant Governor and announced in the Senate and considered by the caucus are confirmed.

The salaries of the day and night elevator operators shall be \$4.00 per day each, and the salaries of the porters shall be \$2.50 per day each, except the head porter whose salary shall be \$4.00 per day, and the porter carrying the mail shall receive \$2.50 per day, and the salaries of the pages

shall be \$2.50 per day and the salaries of the messengers shall be \$3.00 per day.

The Lieutenant Governor is requested to recommend that the Southwestern Telephone Company employ Miss Mary Jacobs to attend the duties of telephone operator of the Senate, and that she be paid \$5.00 per day, and a night operator be named by the assignment committee, out of the employees whose names are filed with said committee.

The Lieutenant Governor, Senators and the Secretary of the Senate are hereby fully authorized and empowered to use all assistants Sergeant-at-Arms and all other necessary employees for any and all services needed in and about the Senate.

It is further recommended that no employee of the Senate shall, during the time he or she is employed, furnish to any person, firm or corporation any information other than general information furnished the public pertaining to the Senate, and they shall not receive any compensation from any person, firm or corporation during their employment by the Senate, and any employee found guilty of violating this provision shall be immediately discharged.

All employees, except those responsible directly to Lieutenant Governor, member of the Senate, Secretary of the Senate, Committee, or to the head of a department, shall report for duty at eight o'clock a. m. and one o'clock p. m. each day to the Sergeant-at-Arms of the Senate, except part time employees who shall report at the place and time directed by the Sergeant-at-Arms, and none of such employees shall be paid for the days they are absent from the Senate, unless excused by the Sergeant-at-Arms.

It is further recommended that the Lieutenant Governor, each Senator and the Secretary of the Senate, be allowed the stationery and postage needed by them respectively, and expenses incurred in transmitting and receiving telephone and telegraph messages and express charges as may be actually necessary in the discharge of their official duties, said expenses to be paid out of the contingent fund.

It is further recommended that the Sergeant-at-Arms rent such typewriters as may be necessary for the use of the employees of the Senate, the contract to be approved by the assignment committee.

It is further recommended that 3000 Journals be printed; that same be prorated among the Senators and Lieutenant Governor, except that 175 Journals shall be furnished the Members of the House.

It is further recommended that the Senate request the State Comptroller of Public Accounts to issue general revenue warrants for the pay of the members and employees of the Senate upon presentation of the payroll account signed by the Presiding Officer and the Secretary of the Senate.

It is further recommended that each Senator, the Lieutenant Governor and the Secretary of the Senate, and Librarian be permitted to subscribe for three newspapers to be paid for out of the contingent fund.

It is further recommended that the President of the Senate have exclusive appointment of a sufficient number of custodians, messengers, pages, elevator operators, and porters as in his judgment may be necessary.

It is further recommended that the Chairman of the Finance Committee shall have authority to employ such additional employees of his own selection who shall receive compensation in accordance with the compensation paid similar positions as herein fixed, who shall discharge the duties of the Finance Committee.

It is further recommended that the private rooms allotted to the Senators by the method as adopted by the caucus be assigned to Senators and their successors unless otherwise directed by the Senate.

It is further recommended that each Senator, as quickly as possible, file with the Secretary of the Senate the name of his private secretary selected; that he also file with the Chairman of the Committee aforesaid the name of the employees selected, together with his or her postoffice address and a suggestion as to the special qualifications of said employees.

It is further recommended that no person be employed by the Senate or under its direction, except private secretaries, who may be related within the second degree by affinity or within the third degree by consanguinity to any member of the Legislature or to any other person employed by or holding office under either the State of Texas, or the United States of America or political subdivision of

this State, or by any public supported institution.

It is further recommended, that all persons heretofore employed for pre-session organization be allowed the same compensation for such service as set out in Caucus Report of the Senate of the Forty-seventh Legislature.

It is further recommended that the expenses due and unpaid by authority of Senate Resolution No. 104, 46th Legislature, be paid out of the per diem and contingent expense fund of the Senate of the Regular Session of the Forty-seventh Legislature.

It is further recommended that no employee of the Senate except those whose official duties require them to work upon the floor of the Senate shall have access to the floor unless that employee shall have been requested by a Senator, the Lieutenant Governor, or the Secretary of the Senate, to come on the floor for some official duty, and when that duty is performed, the employee will immediately leave the floor of the Senate. The Sergeant-at-Arms is specifically ordered to see that this provision is carried out.

VAN ZANDT
Chairman.

The membership of the assignment committee provided for in the foregoing report is as follows: Senators Lanning, Chairman; Shivers, Formby, Lemens and Lieutenant Governor Coke R. Stevenson.

Senate Concurrent Resolution 1

Senator Brownlee offered the following resolution:

Be It Resolved by the Senate of Texas, the House of Representatives concurring, That the President of the Senate appoint five (5) Senators and the Speaker of the House of Representatives appoint five (5) members of the House of Representatives to count the votes in the recent election for Governor and Lieutenant Governor, and to make the necessary arrangements for their inauguration.

The resolution was read and was adopted.

Accordingly, the President appointed the following committee on the part of the Senate: Senators Brownlee, Isbell, Formby, Martin and Fain.

Senate Resolution 1

Senator Moffett offered the following resolution:

Be It Resolved, That a committee of five (5) be appointed by the Lieutenant Governor to notify the Governor that the Senate has completed its organization and is ready to transact business.

The resolution was read and was adopted.

Senate Resolution 2

Senator Aikin offered the following resolution:

Be It Resolved, That a committee of five (5) be appointed by the Lieutenant Governor to notify the House of Representatives that the Senate has completed its organization and that it is ready to transact business.

The resolution was read and was adopted.

Committees to Notify Governor and House

The President appointed the following committees to notify the Governor and the House that the Senate is organized and ready for the transaction of business:

To notify the Governor: Senators Stone, Martin, Spears, Smith and Hazlewood.

To notify the House: Senators Aikin, Moffett, Beck, Ramsey and Mauritz.

Senate Resolution 3

Senator Hill offered the following resolution:

Resolved, That the Rules of the Senate of the Forty-fourth Legislature, except those rules which would require a four-fifths vote for their adoption, be adopted as the temporary rules of the Senate.

The resolution was read.

Senator Martin (for himself and Senator Metcalfe) offered the following substitute for the resolution:

Resolved, That the Rules of the Senate of the Forty-sixth Legislature, except those rules which would require a four-fifths vote for their adoption, be adopted as the temporary rules of the Senate until January 28, 1941.

Question—Shall the substitute be adopted?

On motion of Senator Moffett, further consideration of the resolution

and substitute was postponed until tomorrow immediately after completion of the morning call.

Administration of Oath to Officers of Senate

At the request of the President, the officers of the Senate named in the caucus report appeared at the bar of the Senate and took the constitutional oath of office.

Notification of House

The committee appointed to notify the House that the Senate is organized and ready to transact business appeared at the bar of the Senate; and Senator Ramsey, for the Committee, announced that the duty assigned it had been performed.

Adjournment

On motion of Senator Kelley, the Senate, at 1:20 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

SECOND DAY

(Wednesday, January 15, 1941)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called and the following Senators were present:

Aikin	Mauritz
Brownlee	Metcalfe
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Beck Spears

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered the invocation.

On motion of Senator Hill and by unanimous consent, the reading of